

AO 91 (Rev. 02/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the
Southern District of Texas

United States District Court
Southern District of Texas
FILED

OCT 29 2018

David J. Bradley, Clerk

United States of America
v.
Miguel Angel AMAYA
YOB: 1995/ COB: United States

Case No. 18-2211-M

Defendant

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

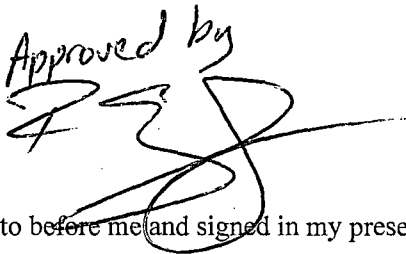
On or about the date of 10/19/2017 in the county of Hidalgo in the Southern District of Texas, the defendant violated Title 18 U. S. C. § 924(a)(1)(A), an offense described as follows:

Whoever, knowingly makes any false statement or representation with respect to the information required to be kept in the records of a federal firearms licensee.

This criminal complaint is based on these facts:

SEE ATTACHMENT A

☒ Continued on the attached sheet.

Approved by


amoon

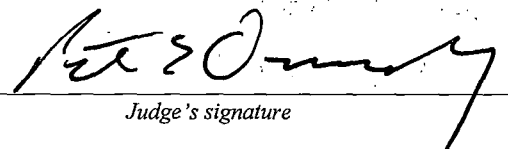
Complainant's signature

Carlos M. Delgado, Jr., ATF Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: October 29, 2018 8:38 am


Judge's signature

City and state: McAllen, TX

Peter E. Ormsby, U.S. Magistrate Judge

Printed name and title

ATTACHMENT A

This affidavit is in support of a criminal complaint charging Miguel Angel AMAYA hereinafter referred to "AMAYA", with the following criminal violation. The evidence available to me demonstrates that there is probable cause that AMAYA has violated Title 18 U.S.C. Section 924(a)(1)(A) which provides as follows: Whoever, knowingly makes any false statement or representation with respect to the information required to be kept in the records of a federal firearms licensee (FFL).

Further, the Affiant states as follows:

On August 28, 2018, your affiant received information on AMAYA who had purchased five (5) firearms from October 2017 through August 2018 from Federal Firearms Licensees (FFLs) located in Hidalgo County. ATF Form 4473s were obtained for the aforementioned purchases and your affiant discovered that AMAYA listed a current address in Edinburg, TX 78541 ("the Edinburg address"). A query of AMAYA uncovered addresses in the Houston and Pharr, TX area(s) associated with AMAYA. Agents made attempts at locating AMAYA at Edinburg, Houston and Pharr addresses to no avail.

On October 28, 2018, your affiant was contacted by Customs and Border Protection (CBP) Officers at the Anzalduas Port of Entry located in Mission, TX, advising that AMAYA had attempted to cross into the United States from Mexico. Agents made contact with AMAYA who was subsequently interviewed.

During a Post-Miranda interview of AMAYA, AMAYA stated he had been residing in Reynosa, Mexico, in an undisclosed address in Mission, TX and two (2) addresses in Houston, TX for the last six (6) years. AMAYA admitted to moving back and forth from Reynosa, Mexico to Mission and Houston, TX when he purchased the five (5) firearms. AMAYA stated he last lived at the Edinburg address around 2012-2013. AMAYA further stated he did not live at the Edinburg address when he filled out the ATF Form 4473 question #2, which asks the purchaser to state their current state of residence and address, when he (AMAYA) purchased a DPMS Panther Arms, model A-15, 2.23/5.56 in caliber, rifle, bearing Serial Number (S/N) FFH204430 on October 19, 2017.

Your affiant knows that FFLs are required to keep the ATF Form 4473 (Firearms Transaction Record) which is completed by the purchaser that includes information regarding the name, age, current residence of the purchaser, and the purchasers certification that he or she is not prohibited from possessing firearms. Furthermore, the purchaser must certify that their answers on ATF Form 4473 are true, correct and complete.

Moreover, the ATF Form 4473 also warns the buyer that making a false statement on the ATF Form 4473 is a felony offense. Lastly, any false statement or representation made on ATF Form 4473, which is information required to be kept in the records of a federal firearms licensee, is a violation of 18 USC 924(a)(1)(A).

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ATTACHMENT A

As a result, on or about October 19, 2017, AMAYA knowingly made a false statement on ATF Form 4473 when he indicated his residence as the Edinburg address when in fact he did not reside at the residence at the time he certified that the information on the ATF Form 4473 was true and correct.

CM Delgado

Carlos M. Delgado, Jr., ATF Special Agent

Sworn to before me and subscribed in my presence,

Peter E. Ormsby

Peter E. Ormsby, U.S. Magistrate Judge

October 29, 2018